

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, et al.,

No. C 04-00098 SI

Plaintiffs,

**ORDER RE: PUNITIVE DAMAGES  
PHASE**

v.

FEDEX CORPORATION,

Defendant.

This order addresses the punitive damages phase, scheduled for September 6, 2006. A plaintiff is not required to introduce evidence of defendant's financial condition in order to obtain punitive damages. *See Kemezey v. Peters*, 79 F.3d 33 (7th Cir. 1996). Defendant may, but is not required, to put on evidence of financial condition in opposition and/or mitigation of the punitive damages sought. *See Mason v. Oklahoma Turnpike Auth.*, 182 F.3d 1212 (10th Cir. 1999).

**IT IS SO ORDERED.**

Dated: September 5, 2006



SUSAN ILLSTON  
United States District Judge